

data and analysis to be considered are described in § 229.211(c)(1).

[71 FR 36913, June 28, 2006, as amended at 74 FR 25173, May 27, 2009]

§ 229.211 Processing of petitions.

(a) *Federal Register notice.* FRA will publish in the FEDERAL REGISTER notice of receipt of each petition submitted under § 229.207(b), § 229.207(c), or § 229.209.

(b) *Comment.* Not later than 60 days from the date of publication of the notice in the FEDERAL REGISTER concerning a petition submitted under § 229.207(b), § 229.207(c), or § 229.209(b), any person may comment on the petition.

(1) Each comment must set forth specifically the basis upon which it is made, and contain a concise statement of the interest of the commenter in the proceeding.

(2) Each comment must be submitted to the U.S. Department of Transportation Docket Operations (M-30), West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, and must contain the assigned docket number which appeared in the FEDERAL REGISTER for that proceeding. The form of such submission may be in written or electronic form consistent with the standards and requirements established by the Federal Docket Management System and posted on its Web site at <http://www.regulations.gov>.

(3) In the event FRA requires additional information to appropriately consider the petition, FRA will conduct a hearing on the petition in accordance with the procedures provided in § 211.25 of this chapter.

(c) *Disposition of petitions.* (1) In order to determine compliance with the performance criteria in appendix E of this part, FRA will consider proper documentation of competent engineering analysis, or practical demonstrations, or both which may include validated computer modeling, structural crush analysis, component testing, full scale crash testing in a controlled environment, or any combination of the foregoing, together with evidence of effective peer review.

(2) If FRA finds that the petition complies with the requirements of this

subpart and that the proposed change or new design standard satisfies the requirements of § 229.205 for the type of locomotive, the petition will be granted, normally within 90 days of its receipt. If the petition is neither granted nor denied within 90 days, the petition remains pending for decision. FRA may attach special conditions to the granting of the petition. Following the granting of a petition, FRA may re-open consideration of the petition for cause stated. Any decision granting or denying a petition is placed in the public docket for the petition.

(3) If FRA finds that the petition does not comply with the requirements of this subpart, or that the proposed change or new design standard does not satisfy the performance criteria contained in Appendix E of this part (where applicable), the petition will be denied, normally within 90 days of its receipt. If the petition is neither granted nor denied within 90 days, the petition remains pending for decision. FRA may re-open a denial of a petition for cause stated.

(4) When FRA grants or denies a petition, or reopens consideration of the petition, written notice will be sent to the petitioner and other interested parties and a copy of the notice will be placed in the public docket of this proceeding.

[71 FR 36913, June 28, 2006, as amended at 74 FR 25173, May 27, 2009]

§ 229.213 Locomotive manufacturing information.

(a) Each railroad operating a locomotive subject to the requirements of this subpart must retain the following information:

(1) The date upon which the locomotive was manufactured or remanufactured;

(2) The name of the manufacturer or remanufacturer of the locomotive; and

(3) The design specification to which the locomotive was manufactured or remanufactured.

(b) The information required in paragraph (a) of this section must be located permanently in the locomotive cab or be provided within two business

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days upon request of FRA or an FRA-certified State inspector.

[71 FR 36914, June 28, 2006]

§ 229.215 Retention and inspection of designs.

(a) *Retention of records—original designs.* Each manufacturer or remanufacturer of a locomotive subject to this subpart shall retain all records of the original locomotive designs, including supporting calculations and drawings, pertaining to crashworthiness features required by this subpart. These records must be retained for the lesser period of:

(1) The life of such locomotive, except that records for a locomotive destroyed in a rail equipment accident/incident shall be retained for at least 12 months following the accident/incident; or

(2) Twenty years after the date of manufacture or, if remanufactured, twenty years after the date of remanufacture.

(b) *Retention of records—repairs and modifications.* Each owner or lessee of a locomotive subject to this subpart shall retain all records of repair or modification to crashworthiness features required by this subpart. These records must be retained for the lesser period of:

(1) The life of such locomotive, except that records for a locomotive destroyed in a rail equipment accident/incident shall be retained for at least 12 months following the accident/incident, or

(2) Twenty years after the date on which the repair or modification was performed.

(c) *Inspection of records.* Each custodian of records referred to in paragraphs (a) and (b) shall, upon request by FRA or an FRA-certified State inspector, make available for inspection and duplication within 7 days, any records referred to in paragraphs (a) and (b) of this section.

(d) *Third party storage of records.* Each custodian of records referred to in paragraphs (a) and (b) of this section may delegate storage duties to a third party; however, the custodian retains

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all responsibility for compliance with this section.

[71 FR 36914, June 28, 2006]

§ 229.217 Fuel tank.

(a) *External fuel tanks.* Locomotives equipped with external fuel tanks shall, at a minimum, comply with the requirements of AAR S-5506, “Performance Requirements for Diesel Electric Locomotive Fuel Tanks” (October 1, 2001), except for section 4.4. This paragraph does not apply to locomotives subject to the fuel tank safety requirements of § 238.223 or § 238.423 of this chapter. The Director of the Federal Register approves incorporation by reference of the AAR S-5506, “Performance Requirements for Diesel Electric Locomotive Fuel Tanks” (October 1, 2001) in this section in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy of the incorporated standard from the Association of American Railroads, 50 F Street NW., Washington, DC 20001. You may inspect a copy of the incorporated standard at the Federal Railroad Administration, Docket Clerk, 1200 New Jersey Avenue, SE., Washington, DC 20590 or at the National Archives and Records Administration (NARA). For more information on the availability of this material at NARA, call 202-741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(b) *Internal fuel tanks.* Locomotives equipped with internal fuel tanks shall, at a minimum, comply with the requirements of § 238.223(b) of this chapter.

[71 FR 36914, June 28, 2006, as amended at 74 FR 25173, May 27, 2009]

APPENDIX A TO PART 229—FORM FRA 6180-49A

EDITORIAL NOTE: Appendix A, published at 45 FR 21118, Mar. 31, 1980, as part of the original document, is not carried in the CFR. Copies of Form FRA F6180-49A are available by contacting the Federal Railroad Administration, Office of Standards and Procedures, 1200 New Jersey Avenue, SE., Washington, DC 20590.

[45 FR 21109, Mar. 31, 1980, as amended at 74 FR 25174, May 27, 2009]